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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,132	10/23/2001	Alexander W. Whytock	9086.00	8040

26889 7590 04/19/2006

MICHAEL CHAN
NCR CORPORATION
1700 SOUTH PATTERSON BLVD
DAYTON, OH 45479-0001

EXAMINER

TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,132

Applicant(s)

WHYTOCK, ALEXANDER W.

Examiner

lan dai thi truong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. This action is response to communications: application, filed 10/23/2001; amendment filed 01/23/2006. Claims 15-18 are pending.

In view of the amendment filed on 01/23/2006, PROSECUTION IS HEREBY REOPENED. For the reasons set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 17 are rejected under 35 U.S.C 103(a) as being un-patentable over Flink et al. (U.S. 7,024,562) in view of Marino et al. (U.S. 6,167,137)

Regarding to claims 15, 17:

Flink discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for use in an encrypting data, the method comprising:

Receiving a file containing (i) instruction, (ii) data, and (iii) a reference to an encryption key: (Flink method for producing a digital seal from the combinations of “the received digital data” which is equivalent to “data” and “the received biometric” which is equivalent to “a reference.” Although Flink does not explicitly disclose there is an instruction for the combination; however this feature is deemed to be inherent to the Flink’s system, see (Flink: abstract, lines 9-14)

However, Flink does not explicitly disclose method of using the received instructions to process the received data and the referenced encrypted key to derive a new key

In an analogous art, Marino discloses method for creating “a super key” which is equivalent to “new key” via combination of “the randomly generated key” which is equivalent to

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“the referenced encrypted key” and “the sequence number” which is equivalent to “data”, see (Marino: column 7, lines 36-40).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Marino’s ideas of derive a new key from a key with Flink’s system in order to provide more secure for a communication system, see (Marino: column 7, lines 36-40).

Claim 16 is rejected under 35 U.S.C 103(a) as being un-patentable over Flink-Marino in view of Dickson (U.S 6,736,313)

Regarding to claim 16:

Flink-Marino discloses the invention substantially as disclosed in claim 16, but does not explicitly teach storing the new key in the encrypting keypad module,

However, Dickson discloses a local key stored in the key pad, which is used to encrypt the customer input PIN before transmitting the PIN to the controller: abstract, lines 12-17; column 4, lines 27-29; column 5, lines 20-25, 45-55)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dickson’s ideas of using local key from keypad to encrypt customer’s PIN with Flink-Marino’s system in order to provide high standard transaction authorization system, see (Dickson, lines 5-10)

Claim 18 is rejected under 35 U.S.C 103(a) as being un-patentable over Flink-Marino in view of Drummond B (U.S. 6,598,023)

Regarding to claim 18:

Flink-Marino discloses the invention substantially as disclosed in claim 15, but does not explicitly teach wherein the file has a structure comprising tagged commands and data

However Drummond discloses “a message” which is equivalent to “a file” which includes “documents” those are equivalent to “data” and “tags” those are equivalent to “tagged commands”, see (Drummond: abstract, lines 1-6; column 2, lines 42-62; column 5, lines 27-40; column 6, lines 33-58)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Drummond’s ideas of using a message which includes data and tag with Flink-Marino’s system in order to use the tags and codes (instructions) to define and operate the documents, see (Drummond; column 2, lines 42-62).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

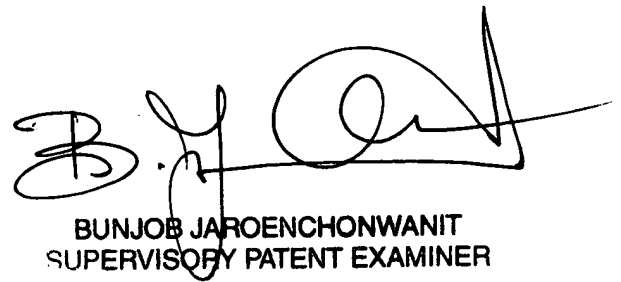
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jaroenchonwanit Bunjob can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

04/14/2006

ldt



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER